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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WATSON NEWMAN,

Case No.: 2:10-cv-00550-JCM-GWF

Plaintiff,

v.

CORNER INVESTMENT COMPANY, LLC
dba BILL'S GAMBLIN' HALL & SALOON and
INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL NO. 501, AFL-CIO,

ORDER DENYING
SUMMARY JUDGMENT

Defendants.

Presently before the Court is the case of Newman v. Corner Investment Co., LLC et al, 2:10-cv-00550-JCM-GWF.

Both Defendants Corner Investment Company, LLC and International Union of Operating Engineers Local No. 501, AFL-CIO ("Union") have filed motions for summary judgment. By this Court's Order filed December 9, 2011, Document 83, this Court determined that it would not hear the Union's motion for summary judgment based upon improper filings and/or failure to comply with the CM/ECF filing practices.

On December 14, 2011 Corner Investment Company, LLC's motion for summary judgment came before the Court for a hearing. The Court's review of Corner Investment Company, LLC's motion for summary judgment demonstrates that the deposition testimony and attached exhibits relied upon by Corner Investment Company, LLC have not been authenticated to the standards required by Orr v. Bank of America, 285 F.3d 764 (9th Cir. 2002). In the absence of properly authenticated deposition testimony and

documents, Corner Investment Company, LLC cannot meet its burden of demonstrating under Rule 56 that there are no genuine issues of material fact. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Corner Investment Company, LLC's motion for summary judgment is DENIED.

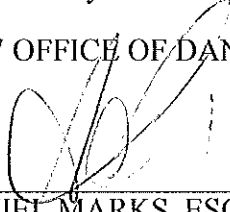
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Union desires to re-file its motion for summary judgment, it must first file a motion for rehearing with the Court.

DATED January 4, 2012.


UNITED STATES DISTRICT COURT JUDGE

Submitted by:

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